

Message Text

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ACTION EUR-12

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INFO AMEMBASSY BUCHAREST

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

USMISSION USBERLIN

C O N F I D E N T I A L GENEVA 4373

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: NEW PREAMBULAR LANGUAGE ON ROMANIAN NON-USE OF
FORCE PROPOSAL

REF: (A) GENEVA 1650; (B) GENEVA 1108; (C) GENEVA 929

1. AFTER SEVERAL MONTHS OF VIRTUAL STALEMATE, ROMANIANS
INTRODUCED INTO SPECIAL WORKING BODY ON IMPLEMENTATION
FOLLOWING LANGUAGE WHICH THEY HAD WORKED OUT WITH SOVIETS
AS REPLACEMENT FOR PREVIOUSLY TABLED DRAFT PREAMBLE TO
THEIR NON-USE OF FORCE PROPOSAL (REFTEL A):

BEGIN TEXT: THE PARTICIPATING STATES, REAFFIRMING THAT THEY
WILL RESPECT AND GIVE EFFECT TO REFRAINING FROM THE THREAT
OR USE OF FORCE AND CONVINCED OF THE NECESSITY TO OBSERVE
IT FULLY AS A LAW IN INTERNATIONAL LIFE, WILL CONDUCT THEIR
RELATIONS WITH ONE ANOTHER IN PARTICULAR AS FOLLOWS: END
TEXT.

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2. ROMANIANS URGED SPECIAL WORKING BODY TO CONCENTRATE ON SUBSTANCE RATHER THAN STRUCTURE OF PROPOSAL FOR TIME BEING. PRIVATELY ROMANIANS INDICATED THAT SOVIETS WOULD ACCEPT MORE NORMAL PREAMBULAR FORMULATION, INCLUDING SEVERAL PARAGRAPHS WITH DIFFERENTIATED INTRODUCTORY WORDS, ONCE SUBSTANCE AGREED.

3. WE REMINDED ROMANIANS PRIVATELY THAT WE CONTINUED TO APPROACH WORK ON THEIR PROPOSAL WITH BASIC RESERVATION THAT EVENTUAL QUADRIPARTITE RIGHTS AND RESPONSIBILITIES (QRR) SAVING CLAUSE IN PRINCIPLES DECLARATION MUST COVER THEIR PROPOSAL AND IN PARTICULAR OPERATIVE PARAGRAPH 3. ROMANIANS HAVE SAID THAT PREAMBULAR LANGUAGE IS NOT MEANT TO PREJUDICE QUESTION OF WHETHER THEIR PROPOSAL WILL BE SEPARATE DOCUMENT FROM PRINCIPLES DECLARATION. THEY ENVISAGE THAT LINK MIGHT BE DRAWN BETWEEN TWO DOCUMENTS BY APPROPRIATE LANGUAGE IN MAXI-PREAMBLE FOR BASKET I. THERE HAS, HOWEVER, BEEN NO REAL MOVEMENT TOWARD GINNING UP SUCH A DRAFTING EXERCISE. THEY ALSO CONSIDER THAT LINKAGE IN FACT ALREADY EXISTS IN OPERATIVE PARAGRAPH 3 WHERE REFERENCE WILL BE MADE TO PROVISIONS OF PRINCIPLES DECLARATION.

4. WE HAVE ALSO TOLD ROMANIANS THAT BECAUSE OF OUR DESIRE TO HAVE CLEAR LINK BETWEEN QRR SAVING CLAUSE AND OPERATIVE PARAGRAPH 3 OF THEIR PROPOSAL, WE WOULD LOOK CRITICALLY AT ANY ELEMENTS OF THEIR NEW PREAMBULAR LANGUAGE THAT MIGHT TEND TO PLACE THEIR PROPOSAL ON HIGHER LEVEL THAN PRINCIPLES DECLARATION. WE SAW AS POTENTIALLY TROUBLESOME USE OF "LAW" AND OF "WILL CONDUCT", BOTH OF WHICH ARGUABLY SUGGEST SOMEWHAT MORE SOLEMNITY AND COMMITMENT THAN CORRESPONDING PREAMBULAR LANGUAGE IN PRINCIPLES DECLARATION. IN SPECIAL WORKING BODY DISCUSSIONS JUNE 10-11, WE AND SEVERAL OTHER WESTERN DELS HAVE SUGGESTED CHANGING "LAW" TO "NORM" OR "RULE" AND HAVE PROPOSED INFORMALLY OTHER FORMULATIONS EXPRESSING LESS LEGALISTIC DEGREE OF COMMITMENT. SOVIETS HAVE THUS FAR INDICATED THEY ATTACH IMPORTANCE TO SAYING "LAW IN INTERNATIONAL LIFE", WHICH IS FORMULATION CLOSE TO THAT USED BY UN

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IN RESOLUTION 2936 ON NON-USE OR THREAT OF FORCE IN 27TH GENERAL ASSEMBLY. THEY APPEAR TO HAVE MORE FLEXIBILITY ON FINAL VERB, HOWEVER. NATO CAUCUS WILL SEEK OPPORTUNITY TO DISCUSS THESE PROBLEMS BEFORE NEXT MEETING OF SPECIAL WORKING BODY JUNE 17, WHICH WILL PROBABLY DIVIDE TIME BETWEEN ROMANIAN PROPOSAL AND SWISS PROPOSAL ON PEACEFUL SETTLEMENT DISPUTES.
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